

REGISTERED No. D. 221

The Gazette of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 185] NEW DELHI, WEDNESDAY, AUGUST 25, 1954

ELECTION COMMISSION, INDIA

NOTIFICATION

Rewa, the 20th August 1954

S.R.O. 2739.—In pursuance of the provisions of sub-section (1) of section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under section 81 thereof is published for information.

(Sd.) SYED MATIN AHMAD, *Chairman,*

Election Tribunal, Rewa, V. P.

REWA;

The 20th August, 1954.

PETITION No. 9

BEFORE THE ELECTION COMMISSION

1, Aurangzeb Road, New Delhi

1. Shri Jageshwar Prasad Pandey s/o Shri Dharam Datta, R/o Ghoghar Rewa near Congress Office, P/S Rewa, Tahsil Hazur, District Rewa, Vindhya Pradesh.
2. Shri Muni Prasad Shukla s/o Pandit Mahadeva Prasad, R/o Uprahti Rewa, P/S Rewa, Tahsil Hazur, Distt. Rewa, V. P.

Versus

1. Captain Awadhesh Pratap Singh s/o , R/o Rampur House, Venkat Road, Rewa.
2. Shrimati Krishnakumari wife of Shri Yadvendra Singh, R/o village Mando, Post Office Baikunthpur, P/S Baikunthpur, Tahsil Hazur, Distt. Rewa, V. P.
3. Shri Brajendra Nath Chaturvedi s/o , R/o Ward No. 1 Municipality Rewa, P/S Rewa, Tahsil Hazur, Distt. Rewa, V. P.
4. Shri Baijnath Dubey s/o Shri Jhagra Dubey, R/o Ghoghar, Rewa, P/S Rewa, Tahsil Hazur, Distt. Rewa, V. P.—*Respondents.*

Election petition under Section 80 of R. P. Act 1951 calling in question the election of Captain Awadhesh Pratap Singh and Shrimati Krishna Kumari, by the Members of the Vindhya Pradesh Electoral College to fill the seats in the Council of States.

The petitioner abovenamed submits as follows:—

1. That in the month of February 1954 the President of India was pleased to call upon the Members of Vindhya Pradesh Electoral College to elect two

Members to fill the vacancies in the Council of State to be caused by the retirement of the Members on the expiry of their terms of office on the 2nd April 1954.

2. That on the 1st March 1954 the respondents including the petitioners filed their nominations which were all accepted by the Returning Officer.

3. That the Petitioner No. 2 withdrew his nomination leaving the Petitioner No. 1 and respondents in the contest.

4. That the polls took place on the 22nd March 1954 and the counting was done on the same day and Respondent Nos. 1 and 2 were declared elected by the Returning Officer.

5. That the respondent Nos. 1 and 2 were declared duly elected only after the counting of first preference and the following were the first preference votes secured by each candidate—

1. Shri Capt. Awadhesh Pratap Singh	.. 20
2. Smt. Krishna Kumari	.. 16
3. Shri Jageshwar Prasad	.. 12
4. Shri Brajendra Nath Chaturvedi	.. 0
5. Shri Baijnath Dubey	.. 0

6. That the election of Respondent Nos. 1 and 2 and the election as a whole is void and is liable to be set aside on the following grounds:—

- (a) The Electoral Roll of the Parliamentary Constituencies were incomplete and were not validly prepared and published, depriving thereby the right of citizens to contest the election.
- (b) That the Returning Officer has violated the mandatory provisions of Section 56 of the R. P. Act 1951 and Rules made thereunder by curtailing the period of polls only to 4 hours as he fixed the hours of poll from 9 A.M. to 1 P.M.
- (c) That the curtailment of the period of polls has materially affected the result of election as some of the electors arrived at the polling booth only a few minutes passed 1 p.m. and could not exercise their right of voting.
- (d) That the result of the election has been materially affected by the improper acceptance of the nomination papers of Respondents No. 1 and 2 as they were not voters in the validly prepared and published electoral Roll of the Parliamentary Constituency of Vindhya Pradesh and their nomination paper was not properly drawn up and validly presented.
- (e) That the Respondents No. 1 and 2 themselves and through their agents, workers, supporters and canvassers committed the corrupt practice of bribery by offering and promising gratification and seats in the sub-committees of the Vindhya Pradesh Legislative Assembly to some of the electors with a view to give them some financial gain with an object to induce them to vote for Respondents No. 1 and 2, the details whereof are given in the list 'A' of the particulars attached to the petition.
- (f) That the Respondents No. 1 and 2 themselves, through their agents, workers, supporters and canvassers hired, procured and used motor cars to carry the electors to the polling booth the details whereof are given in the list 'B' of the particulars attached to this petition.

7. That the election of Respondents No. 1 and 2 is void in as much as the return of election expenses filed by the Respondents No. 1 and 2 is false in material particulars details whereof are given in the list 'C' of the particulars attached to this petition.

8. That the result of the election has been materially affected by the improper reception and counting of votes polled in favour of the Respondents No. 1 and 2 and non-compliance with the provisions of the constitution, Representation of People Act and rules and orders made thereunder.

9. That the petitioners have deposited a security of Rs. 1,000 the receipt whereof is annexed hereto and the petition is within time. The Chalan No. 1148.

10. The petitioners therefore claim—

- (a) That the election of Respondents No. 1 and 2 be declared void.
- (b) That the election as a whole be declared void.
- (c) That the cost of the petition be awarded to the petitioners.
- (d) That any other relief to which the petitioners be entitled be granted.

(Sd.) MUNI Pd.

(Sd.) JAGESHWAR PRASAD.

I, Jageshwar Pd. Pandey do hereby affirm and declare that contents of paras. 1, 2, 3, 4, 5, 6, 6(a), 6(b), 6(c), 6(d), 6(e), 6(f), 7, 8, 9, 10 are true to my personal knowledge in verification whereof I have signed at Rewa this 30th day of April, 1954.

(Sd.) JAGESHWAR PRASAD.

LIST 'A'

Shri Shambhunath Shukla, the Chief Minister of Vindhya Pradesh offered and promised a seat in the Estimate Committee of Vindhya Pradesh Legislative Assembly to Bhuwaneshwar Prasad *alias* Ishwaracharya with a view to induce him to vote for Respondents No. 1 and 2.

(Sd.) MUNI Pd.

(Sd.) JAGESHWAR PRASAD.

I, Jageshwar Pd. Pandey do hereby affirm and declare that the contents of the para. 1 of the list 'A' is true to my personal knowledge in verification whereof I have signed at Rewa this 30th day of April 1954.

(Sd.) JAGESHWAR PRASAD.

LIST 'B'

1. Car No. V.P.R.W. 712 was sent to Satna by Shri Shambhunath Shukla, the Chief Minister of Vindhya Pradesh which brought Shri Someshwar Singh on the 22nd March 1954 to the polling station at Rewa to cast his vote.

2. Car No. WBX 4684 was used to bring Shri Adityanath Singh from Umaria to the polling station at Rewa to cast his votes on the day of polling.

3. Shri Mahendra Kumar Manava, Finance Minister, Vindhya Pradesh brought the following voters in car No. WBX 5050 from Chhatarpur to polling station at Rewa on the day of polling—

1. Shri Gokul Prasad Mahashaya

2. Shri Shamsundar Das

3. Shri Pyarelal Charmkar

4. Shri Mahendra Kumar Manava brought Shri Kauhsalendra Pratap Singh, a voter from Satna in car No. WBX 5050 while coming from Chhatarpur with the three voters mentioned in para. 1 of the list 'B', to the polling station on the day of polling in order to secure his vote in favour of Respondents No. 1 and 2.

(Sd.) MUNI Pd.

(Sd.) JAGESHWAR PRASAD.

I, Jageshwar Pd. Pandey do hereby affirm and declare that the contents of paras. 1, 2, 3, & 4 of the list 'B' are true to my personal knowledge in verification whereof I have signed at Rewa this 30th day of April 1954.

(Sd.) JAGESHWAR PRASAD.

LIST 'C'

1. No regular book of account has been kept by the Respondents No. 1 and 2.

2. The expenses of the petrol and mobil oil etc. incurred in carrying the voters to the polling station has not been shown with the corrupt motive and deliberately been concealed by Respondents No. 1 and 2.

3. The Respondents No. 1 and 2 have falsely declared and verified the return of election expenses.

(Sd.) MUNI PD.

(Sd.) JAGESHWAR PRASAD.

I, Jageshwar Prasad Pandey do hereby affirm and declare that the contents of paras. 1, 2, and 3 of the list 'C' of corrupt practices are true to my personal knowledge in verification whereof I have signed at Rewa this 30th day of April 1954.

(Sd.) JAGESHWAR PRASAD.

[No. 2-E T.]

By Order,

K. S. RAJAGOPALAN,

for Chief Election Commissioner.